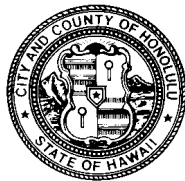


**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**

925 DILLINGHAM BOULEVARD, SUITE 190 • HONOLULU, HAWAII 96817
PHONE: (808) 768-9242 • FAX: (808) 768-7768 • EMAIL: ethics@honolulu.gov • INTERNET: www.honolulu.gov/ethics



RICK BLANGIARDI
MAYOR

JAN K. YAMANE
EXECUTIVE DIRECTOR
AND LEGAL COUNSEL

AGENDA

Date: April 14, 2021

Time: 11:30 a.m.

Webex: Meeting Link: <https://cchnl.webex.com/join/ethics>

Meeting Number (Access Code): 268 451 616; or join by phone 1-408-418-9388

[Note: No Meeting Password.]

This meeting will be held via Webex Video Conferencing only. Members of the public are invited to join this meeting by downloading the Cisco Webex Meeting app using a phone or tablet with the above log-in information. You may testify during the video conference or submit written testimony in advance of the meeting via e-mail, fax, or mail. To avoid excessive noise/feedback, please mute your microphone except to testify.

**MEMBERS OF THE PUBLIC ARE ENCOURAGED TO SPEAK
AND/OR SUBMIT WRITTEN TESTIMONY ON ANY AGENDA ITEM**

ORDER OF BUSINESS

I. Call to Order, Public Notice, Quorum

II. New Business

A. Chair's Report

1. Announcements, Introductions, Correspondence, and Additional Distribution

a. Resolution 21-080, Relating to the Appointment of Mr. Shelton G.W. Jim On to Serve on the Ethics Commission of the City and County of Honolulu

2. For Action: Approval of Open Session Minutes of February 17, 2021

3. For Action: Approval of Executive Session Minutes of February 17, 2021

B. Executive Director and Legal Counsel's Report

1. Staffing – Update

- a. Hiring
 - b. Office Renovation
 - c. Work Reports Summary
 - d. For Discussion and Action: Monthly Meetings (FY22)
- 2. Statistics – Update
 - a. Website Sessions – February, March 2021
 - b. Financial Disclosure Filings
 - c. Lobbyist Registrations, Annual Reports
 - d. Investigations
- 3. Budget – Update
 - a. FY2021 Operating Budget
 - b. FY2022 Operating Budget Request
 - i. Budget Briefing – March 12, 2021
- 4. Education and Outreach – Update
 - a. Ethics Training Program
 - i. Biennial Ethics Training (FY19–FY20) – Update
 - ii. Biennial Ethics Training (CY21–CY22) – Training Video Production Collaboration with Department of Customer Services (CSD)
 - b. E-Newsletter, Brochures, Twitter, Website – Update
 - i. Brochure – Public Trust: Ethical Reminders for Department of the Prosecuting Attorney Employees, Frequently Asked Questions (FAQ) (Draft)
 - ii. Brand Development – Information Branch and Design and Print Center, Department of Customer Services (CSD)
- 5. Legislation – None
- 6. Education Opportunities (Commissioners and Staff) – Sunshine Law Refresher Training
- 7. Evaluation Form – Executive Director and Legal Counsel

III. Executive Session Determination

- A. For Discussion and Action: Should the Ethics Commission Exercise Its Discretion to Consider a Notice of Violation by a Lobbyist for Failure to File Complete Annual Report (Revised Ordinances of Honolulu (ROH) Section 3-13.3); Notice of Hearing (HRS Section 91-9.5)
- B. For Discussion and Action: Should the Ethics Commission Exercise Its Discretion to Consider a Notice of Violation by a City Officer for Failure to File Complete Financial Disclosure Statement (ROH Section 3-8.4); Notice of Hearing (HRS Section 91-9.5)

- C. For Discussion and Action: Should the Ethics Commission Exercise Its Discretion to Consider a Request for Review of Staff's Preliminary Determination of January 13, 2021, Regarding Alleged Violation of the Standards of Conduct by a City Employee (Ethics Commission Rules of Procedure Section 5.5(2)(b))
- D. For Discussion and Action: Should the Ethics Commission Exercise Its Discretion to Consider a Request for Review of Staff's Preliminary Determination of February 1, 2021, Regarding Alleged Violation of Standards of Conduct by a City Employee (Ethics Commission Rules of Procedure Section 5.5(2)(b))
- E. For Discussion and Action: Should the Ethics Commission Exercise Its Discretion to Consider a Request for Review of Staff's Preliminary Determination of February 4, 2021, Regarding Alleged Violation of Standards of Conduct by a City Employee (Ethics Commission Rules of Procedure Section 5.5(2)(b))
- F. For Discussion and Action: Should the Ethics Commission Exercise Its Discretion to Consider a Request for Review of Staff's Preliminary Determination of February 9, 2021, Regarding Alleged Violation of Standards of Conduct by a City Employee (Ethics Commission Rules of Procedure Section 5.5(2)(b))
- G. For Discussion and Action: Should the Ethics Commission Exercise Its Discretion to Consider a Request for Formal Advisory Opinion Confirming Staff Response as to Potential Conflicts of Interest of a Nominee for a City Agency

IV. Executive Session (The following agenda items will be reviewed in executive session pursuant to Section 92-5(a)(2), Hawaii Revised Statutes (HRS), to consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; or Section 92-5(a)(4), HRS, to consult with the Commission's attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities, or Section 92-5(a)(8), HRS, to deliberate or make a decision upon a matter that requires consideration of information that must be kept confidential pursuant to state or federal law or court order.)

- A. For Discussion and Action: Notice of Violation by a Lobbyist for Failure to File Complete Annual Report (Revised Ordinances of Honolulu (ROH) Section 3-13.3); Notice of Hearing (HRS Section 91-9.5)
- B. For Discussion and Action: Notice of Violation by a City Officer for Failure to File Complete Financial Disclosure Statement (ROH Section 3-8.4); Notice of Hearing (HRS Section 91-9.5)
- C. For Discussion and Action: Request for Review of Staff's Preliminary Determination of January 13, 2021, Regarding Alleged Violation of the Standards of Conduct by a City Employee (Ethics Commission Rules of Procedure Section 5.5(2)(b))
- D. For Discussion and Action: Request for Review of Staff's Preliminary Determination of February 1, 2021, Regarding Alleged Violation of the Standards of Conduct by a City Employee (Ethics Commission Rules of Procedure Section 5.5(2)(b))

- E. For Discussion and Action: Request for Review of Staff's Preliminary Determination of February 4, 2021, Regarding Alleged Violation of the Standards of Conduct by a City Employee (Ethics Commission Rules of Procedure Section 5.5(2)(b))
- F. For Discussion and Action: Request for Review of Staff's Preliminary Determination of February 9, 2021, Regarding Alleged Violation of the Standards of Conduct by a City Employee (Ethics Commission Rules of Procedure Section 5.5(2)(b))
- G. For Decision: Request for Formal Advisory Opinion Confirming Staff Response as to Potential Conflicts of Interest of a Nominee for a City Agency

V. Strategic Planning

- A. Permitted Interaction Group (Chair Marks, Vice-Chair Monk, Commissioner Suemori) – Proposed Gift Legislation – Update

VI. Adjournment

- A. Next Meeting: June 16, 2021

SPEAKER REGISTRATION

Prior to the Day of the Meeting: Persons wishing to testify are requested to register their name, phone number, and agenda item via email at ethics@honolulu.gov; or by calling 768-9242.

On the Day of the Meeting: Persons who have not registered to testify by the time the Commission meeting begins will be given the opportunity to speak on an item following oral testimonies of registered speakers.

Each speaker is limited to a three-minute presentation on each item.

WRITTEN TESTIMONY

Prior to the Day of the Meeting: Testimony may be emailed to ethics@honolulu.gov or faxed 768-7768.

On the Day of the Meeting: Submit 10 copies of written testimony to Commission staff.

If you need an auxiliary aid/service or other accommodation due to a disability or an interpreter for a language other than English, please call the Honolulu Ethics Commission at (808) 768-9242 between 7:45 a.m. and 4:30 p.m. or send an email to ethics@honolulu.gov at least four (4) business days before the scheduled meeting. It may not be possible to fulfill requests received after this date.

All handouts will be posted at www.honolulu.gov/ethics/meetings.html

WELCOME TO THE ETHICS COMMISSION MEETING

*As a courtesy and to avoid excessive
noise/feedback, please mute your microphone
except to testify.*



Date: April 14, 2021
Time: 11:30 a.m.
Webex: Meeting No. 268 451 616
(268 451 616 from phones, video
systems or join by phone
1-408-418-9388)

1

ORDER OF BUSINESS

I. Call to Order, Public Notice, Quorum



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II. NEW BUSINESS

A. Chair's Report

1. Announcements, Introductions

a. Resolution 21-080, Relating to the Appointment of Shelton G.W. Jim On

- Apr. 14, 2021 – Introduction
- Apr. 20, 2021 – Exec Matters Comm.
- May 5, 2021 – Confirmation



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II.A. CHAIR'S REPORT

2. For Action: Approval of Open Session Minutes of February 17, 2021

3. For Action: Approval of Exec Session Minutes of February 17, 2021



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II.B. EXECUTIVE DIRECTOR AND LEGAL COUNSEL'S (EDLC) REPORT

1. Staffing

a. Hiring (Asst. EDLC, ALC)

- Feb 2021 – Exception to fill requested
- Mar 2021 – Exception to fill approved
- Apr 2021 – Request to fill pending



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II.B.1. STAFFING (cont'd)

b. Office Renovation

- Acquiring furniture, other equipment
- Apr 2021 – project planning
- May 2021 – project procurement
- Jun 2021 – project construction, completion



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II.B.1. STAFFING (cont'd)

c. Work Reports Summary – see meeting materials

d. For Discussion and Action:

- Monthly meetings (FY22)
- Reserved meetings scheduled (Jul 21, Sep 15, Nov 17, 2021)



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II.B.2. STATISTICS

a. Website Sessions

- February 2021 – 849 (581 users)
- March 2021 – 714 (540 users)



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II.B.2. STATISTICS

b. Financial disclosure filings

- Deadline: Jan. 31, 2021
- One outstanding (items III.B, IV.B)

c. Lobbyist registration, annual report filings

- Deadline: Jan. 10, 2021
- One annual report outstanding (items III.A, IV.A)



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II.B.2.b. FINANCIAL DISCLOSURE FILINGS

CLERK'S OFFICE

Public disclosures
(as of Apr. 1, 2021)

Councilmembers
Mayor
Cabinet

~ 145

ETHICS COMMISSION

Confidential disclosures
(as of Apr. 1, 2021)

Employee EForm – 397
Bd/Comm PDF – 157

~ 554



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II.B.2.c. LOBBYIST FILINGS

2021 REGISTRATION 2020 ANNUAL REPORT

Hardcopy Filings
(by Organization)

~ 174

(by Lobbyist)

~ 127

Hardcopy Filings
(by Lobbyist)

210



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II.B.2. STATISTICS

d. Investigations

- 32 – pending
- 25 – FY21 pending
- 7 – pre-FY21 pending
- 1 – pending procurement
- 4 – appeals (April 2021 EC meeting)



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II.B.3. BUDGET

a. FY2021 Operating Budget

- ETH purchasing equipment, furniture for new positions
- Dept. Design & Construction budget for office renovation



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II.B.3. BUDGET

b. FY2022 Operating Budget Request

- Mar. 12 – Council budget briefing
- Apr. 14 – Budget 2nd reading, public hearing
- June 2 – Budget 3rd reading, Council adopts budget



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II.B.3.b. FY2022 OPERATING BUDGET REQUEST

i. Budget Briefing

- Mar. 12 – Council budget briefing
- VChair Marks presented ETH budget
- ETH responded to Council's questions on investigator positions, investigation status



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II.B.4. EDUCATION AND OUTREACH

a. Ethics Training Program

i. Biennial Ethics Training (FY19–FY20)

- Most departments done
- Board/commission members done



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II.B.4. EDUCATION AND OUTREACH

a. Ethics Training Program (cont'd)

ii. Biennial Ethics Training (CY21–CY22)

- Training video update, new voice over
- Ripped from the headlines
- Customer Services Dept. collaboration



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II.B.4. EDUCATION AND OUTREACH

b. E-Newsletter (*the Compass*), Twitter, Website

- Twitter statistics, highlights (Feb 2021 to present)
 - ✓ Total tweets – 85
 - ✓ Profile visits – 2,890
 - ✓ Tweet impressions – 26,539
 - ✓ Followers – 316 (10 new)



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II.B.4. EDUCATION AND OUTREACH (cont'd)

b. E-Newsletter (*the Compass*), Twitter, Website

■ Top tweets

Top Tweet earned 1,176 impressions

[#TuesdayTrivia](#)

Q: Your wife has started a small business. You offer to help her out by designing and maintaining a website for her. During your lunch hour, you stay in your office and use your city computer to work on the website. Have you violated the RCH 11-104?

Top Tweet earned 463 impressions

★ 3.5.1966 ★

"Officers and employees shall recognize that the public interest is their primary concern and shall faithfully discharge the duties of their office regardless of personal consideration

[#ThrowbackThursday](#)



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II.B.4. EDUCATION AND OUTREACH (cont'd)

Top Media Tweet earned 188 impressions

ethisphere.com/observing-and-reporting-misconduct

[#ethics](#)



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II.B.4. EDUCATION AND OUTREACH

- b. E-Newsletter (*the Compass*), Twitter, Website
 - i. New brochure – *Public Trust: Ethical Reminders for Department of the Prosecuting Attorney Employees, Frequently Asked Questions (FAQ)*
 - ii. **Ethics Commission Brand Development**
 - Logo, tag line
 - Design and Print Center and Info Branch, Customer Services Dept., collaboration



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II.B.6. EDUCATION OPPORTUNITIES

Commissioners and Staff

- **Sunshine Law Refresher Training**
- **Commissioner reminders**
 - ✓ Emails – do not "reply all"
 - ✓ No serial communications
 - ✓ Review sunshine law training slides



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II.B.7. EDLC EVALUATION FORM

- Fillable form distributed to Commissioners
- Commissioners complete scores
 - ✓ Due date: _____
- Designated Commissioner compiles scores
 - ✓ Commissioner: _____
- June 14, 2021 – EDLC reviews evaluation
- June 16, 2021, Ethics Commission meeting – discuss evaluation



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III. EXECUTIVE SESSION DETERMINATION

A. For Discussion and Action:

Whether the EC should exercise its discretion to consider a notice of violation by a lobbyist for failure to file complete annual report



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III. EXECUTIVE SESSION DETERMINATION

B. For Discussion and Action:

Whether the EC should exercise its discretion to consider a notice of violation by a city officer for failure to file complete financial disclosure statement



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III. EXECUTIVE SESSION DETERMINATION

C. For Discussion and Action:

Whether the EC should exercise its discretion to consider a request for review of staff's preliminary determination of Jan. 13, 2021, regarding alleged violation of the Standards of Conduct by a city employee



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III. EXECUTIVE SESSION DETERMINATION

D. For Discussion and Action:

Whether the EC should exercise its discretion to consider a request for review of staff's preliminary determination of Feb. 1, 2021, regarding alleged violation of the Standards of Conduct by a city employee



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III. EXECUTIVE SESSION DETERMINATION

E. For Discussion and Action:

Whether the EC should exercise its discretion to consider a request for review of staff's preliminary determination of Feb. 4, 2021, regarding alleged violation of the Standards of Conduct by a city employee



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III. EXECUTIVE SESSION DETERMINATION

F. For Discussion and Action:

Whether the EC should exercise its discretion to consider a request for review of staff's preliminary determination of Feb. 9, 2021, regarding alleged violation of the Standards of Conduct by a city employee



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III. EXECUTIVE SESSION DETERMINATION

G. For Discussion and Action:

Whether the EC should exercise its discretion to consider a request for formal advisory opinion confirming staff response to potential conflicts of interest of a nominee for a city agency.



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IV. EXECUTIVE SESSION

A. For Discussion and Action:

Notice of violation by a lobbyist for failure
to file complete annual report

[pursuant to ROH Sec. 3-13.3 and HRS Sec. 91-9.5]



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IV. EXECUTIVE SESSION

B. For Discussion and Action:

Notice of violation by a city officer for
failure to file complete financial disclosure
statement

[pursuant to ROH Sec. 3-8.4 and HRS Sec. 91-9.5]



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IV. EXECUTIVE SESSION

C. For Discussion and Action:

Request for review of staff's preliminary determination of Jan. 13, 2021, regarding alleged violation of the Standards of Conduct by a city employee

[pursuant to EC Rules of Procedure Sec. 5.5(2)(b)]



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IV. EXECUTIVE SESSION

D. For Discussion and Action:

Request for review of staff's preliminary determination of Feb. 1, 2021, regarding alleged violation of the Standards of Conduct by a city employee

[pursuant to EC Rules of Procedure Sec. 5.5(2)(b)]



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IV. EXECUTIVE SESSION

E. For Discussion and Action:

Request for review of staff's preliminary determination of Feb. 4, 2021, regarding alleged violation of the Standards of Conduct by a city employee

[pursuant to EC Rules of Procedure Sec. 5.5(2)(b)]



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IV. EXECUTIVE SESSION

F. For Discussion and Action:

Request for review of staff's preliminary determination of Feb. 9, 2021, regarding alleged violation of the Standards of Conduct by a city employee

[pursuant to EC Rules of Procedure Sec. 5.5(2)(b)]



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IV. EXECUTIVE SESSION

G. For Decision:

Request for formal advisory opinion
confirming staff response to potential
conflicts of interest of a nominee for a city
agency.



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V. STRATEGIC PLANNING

A. Permitted Interaction Group – Proposed Gift Legislation

- Chair Monk, VChair Marks, Cmmr.
Suemori – Proposed Gift Legislation



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VI. ADJOURNMENT

Next Meeting: June 16, 2021

Website: www.honolulu.gov/ethics Email: ethics@honolulu.gov

 Twitter: @HonEthicsComm



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Agenda Item II.A.2.

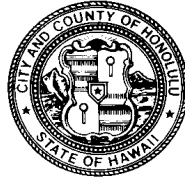
Page 1

[Open Session Minutes of
April 14, 2021
Commission Meeting]

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**

925 DILLINGHAM BOULEVARD, SUITE 190 • HONOLULU, HAWAII 96817
PHONE: (808) 768-9242 • FAX: (808) 768-7768 • EMAIL: ethics@honolulu.gov • INTERNET: www.honolulu.gov/ethics

RICK BLANGIARDI
MAYOR



JAN K. YAMANE
EXECUTIVE DIRECTOR
AND LEGAL COUNSEL

ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU

Date and Place: February 17, 2021
Webex Video Conferencing
Meeting Number (Access Code): 268 451 616
Meeting Password: None (268 451 616 from phones and video systems)
or join by phone 1-408-418-9388

Present: David B. Monk, Chair
Hon. Victoria Marks (ret.), Vice Chair

Peter S. Adler, Commissioner
Hon. Riki Amano (ret.), Commissioner
Lynette Lo Kanda, Commissioner
Hon. Allene R. Suemori (ret.), Commissioner

Jan K. Yamane, Executive Director and Legal Counsel (EDLC)
Laurie A. Wong-Nowinski, Associate Legal Counsel (ALC)
Jill Yamashiro, Investigator III (INV III)
Randy Leong, Investigator I (INV I)
Derek Kiyota, Training Specialist (TS)
Heather N. Murakami, Private Secretary (PS)
Erin Tamashiro, Administrative Specialist (AS)
Alyson N. Wong, Legal Clerk III (LC III)
Joanne O.N. Lim, Sr. Clerk (Sr. CLK)
Kristie E.L. Kato, Sr. Clerk (Sr. CLK)

Moana Yost, Deputy Corporation Counsel
Department of the Corporation Counsel (COR)

Debora Halbert, PhD, Volunteer U.H. Law Student

Sandy Ma, member of the public

MINUTES OF THE ETHICS COMMISSION MEETING

I. Call to Order, Public Notice, Quorum

Chair Monk called the meeting to order at 11:30 a.m. and declared quorum with all Commissioners present via Webex.

II. New Business

A. Chair's Report

1. Announcements, Introductions, Correspondence, and Additional Distribution

a. Staffing

i. Investigator, Administrative Specialist, Training Specialist, and Private Secretary

The EDLC introduced Randy Leong as Ethics Investigator, who joined us from the Customer Services Department; Erin Tamashiro as Ethics Administrative Specialist who joined us from Corporation Counsel; Derek Kiyota as Ethics Training Specialist, who joined us from the Department of Human Resources; and Heather Murakami as Ethics Private Secretary, who joined us from the Department of Community Services.

2. For Action: Approval of Open Session Minutes of December 16, 2020

Commissioner Amano moved and Vice Chair Marks seconded to approve the open session minutes of December 16, 2020. The motion passed unanimously.

3. For Action: Approval of Executive Session Minutes of December 16, 2020

Vice Chair Marks moved and Commissioner Amano seconded to approve the executive session minutes of December 16, 2020. The motion passed unanimously.

B. Executive Director and Legal Counsel's Report

1. Staffing - Update

a. Hiring Process

The EDLC reported at the December 16, 2020 meeting that the positions had just been approved to fill. The staff posted the positions in various places and reached out to many of our own contacts. Interviews were conducted in December and January.

She mentioned that interviews for the assistant executive director and legal counsel will be held during executive session.

The EDLC stated that Ethics has grown from five full time equivalent positions to 11 full time equivalent positions. At present, one of the full time equivalent positions is shared by two part time contract staff, which gives us 12 staff.

Additionally, Ethics has two pro bono interns volunteering for the Commission.

The EDLC is still evaluating if the Legal Clerk I position or some other position might be more appropriate.

b. Office Renovation

See Agenda Item II.B.3.a.

c. Work Reports Summary

The EDLC clarified that she compiled staff reporting into high level summaries, including pie charts. She mentioned that two of the staff do not have pie charts because they are still holding responsibilities for Corporation Counsel.

d. For Discussion: Monthly Meetings (FY22)

The EDLC asked the Commission if it wanted to begin meeting monthly starting in FY22. She clarified that the reserved meetings on July 21st, September 15th, and November 17th would become regular meetings. She further explained that one of the reasons why the Commission went to meeting every other month was to save administrative time. She believes that with the full staff, it might be time to return to monthly meetings.

Vice Chair Marks believes that we should play it by ear. Additionally, she recommended that we should not have a meeting in January because staff will be occupied with financial disclosures and lobbyist registrations.

The EDLC suggested to put the topic on the agenda for the April meeting.

Sandy Ma stated that it is up to the Commission to decide on monthly meetings. She added that she is happy to attend and would like to see if it is possible to have investigations expedited in some manner.

Chair Monk emphasized that adding more staff will enable the Commission to clear the backlog.

2. Statistics

a. Website Sessions – December 2020, January 2021

December 2020: 956 (690 users), January 2021: 1165 (748 users)

The EDLC emphasized that lobbyist annual reports are due on January 10th and financial disclosures are due at the end of January. She stated that the number of website sessions is directly tied to people looking for information on what they need to file.

b. Financial Disclosure Filings – Update

The EDLC stated that staff worked with the Board and Commission Liaisons for the financial disclosures and announced that the Ethics Commission fulfilled its responsibilities for disclosures.

The EDLC reported that staff received 129 public disclosures from councilmembers, the mayor, and new cabinet members. She explained that there were a lot of filings because administration staff were both leaving office and

coming on board. The mayor's office is still bringing on additional cabinet members.

c. Lobbyist Registrations, Annual Reports – Update

Staff is continuing to process 2021 lobbyist registrations and 2020 lobbyist annual reports.

3. Budget

a. FY2021 Operating Budget – Update

The EDLC mentioned that the positions we are filling now are FY2020 and FY2021 budgeted positions. She added that staff is purchasing equipment for the new positions.

The Department of Design and Construction (DDC) has budget for an Ethics office renovation. The new renovation would add three large additional spaces along the other side of the hallway wall.

Chair Monk asked the EDLC if she knew the square footage of what we have now and what it will be after the renovation.

The EDLC stated that she does not have the square footage but will continue to update the Commission on renovation progress.

Chair Monk suggested that we should ask the construction people whether the city has a minimum standard for square footage per staff member.

She clarified that the plans are being drawn up by DDC. She added that they handle all the office space for the city so she is leaving it up to DDC that these are appropriately sized spaces.

b. FY2022 Operating Budget Request – Update

The EDLC stated that budget meetings scheduled last fall by the prior administration were cancelled. Departments did not have much input into this year's operating budget request.

The Council budget briefing will be on March 12th for the Ethics Commission. Public meetings and hearings will be held during April and May and Council should adopt the budget at the June 2nd Council meeting.

4. Education and Outreach

a. Ethics Training Program – Update

i. Biennial Ethics Training (FY19–FY20)

The EDLC recalled that the deadline was extended to December 31st due to IT delays and difficulties gathering personnel for in-person training. She reported that almost all the departments completed biennial ethics training.

ii. New Councilmember, Cabinet, Employee Training Collaboration

The EDLC mentioned that the ALC provided training to new councilmembers and cabinet members.

The EDLC added that the ethics training specialist, Derek Kiyota, will be doing new employee orientation (NEO) training on Webex. She believes that NEO is the best time to train new employees on city ethics laws.

Sandy Ma asked if there is any training given for City Councilmembers when they leave City Council.

The EDLC stated that councilmembers tend to reach out for specific guidance when they are planning to depart. Additionally, information is posted on the Ethics website and newsletters. She clarified that councilmembers do not gather for training.

Chair Monk asked the EDLC if the newsletter is available on the website. The EDLC confirmed.

Sandy Ma suggested that training be done six months before the change of administration.

The EDLC thanked Sandy Ma for the suggestion. She clarified that the ethics training specialist is dedicated for that purpose and staff will take her suggestion under advisement.

b. E-Newsletter, Brochures, Twitter, Website – Update

The EDLC reported the following Twitter Statistics from December 2020 to date: Total Tweets (139), Profile Visits (4,805), Tweet Impressions (28,942), and Followers (306).

5. Gifts Legislation – Hawai‘i Legislature

The ALC reported that she, Commissioner Amano, and LCIII attended the State Ethics Commission meeting. She concluded that the State Ethics Commission agreed to oppose bills canceling out newly adopted administrative rules on gifts.

Commissioner Amano added that the State Ethics Commission was on top of the legislation.

The ALC may attend additional State Ethics Commission meetings this year.

6. Education Opportunities – Commissioners and Staff

The ALC thanked Debora Halbert for her research. She concluded that in the past, the City’s laws matched the State’s laws. She mentioned that there were two portions of the law. One was the prohibition against accepting gifts if it appears that the giver intends to influence or reward the recipient. The second was a reporting requirement. Employees had to report any gifts they received that were greater than \$200. She added that it was handled by the City Clerk rather than the Ethics Commission.

The ALC asked the Commission if they want to revert back to the original version of the law that mentioned the state ethics laws.

Debora Halbert added that the intent of the change that removed the previous reporting requirement was to reduce the amount of gifts to this \$200 limit so reporting would not be needed anymore; however, it opened a loophole for prohibited source gifts, which the Commission may want to address.

Vice Chair Marks suggested that the PIG should address this. The EDLC stated that Commission staff will schedule a meeting on the issue.

NOTE: Agenda Item V. Strategic Planning was taken out of order.

a. *The Guardian* (Council on Governmental Ethics Laws, January 2021)

The ALC reported that she has been involved in monthly meetings and in issuing the January 2021 edition of *the Guardian*. Additionally, she added that COGEL is pushing out a survey to get information about current uses of member resources.

The ALC mentioned that she is in charge of COGEL's social media accounts such as Twitter, Facebook, and LinkedIn.

Chair Monk thanked the ALC for being appointed to the committee.

III. Executive Session Determination

- A. For Discussion and Action: Whether the Ethics Commission Should Exercise Its Discretion to Consider Cases on Hold Pending Resolution of CR No. 17-00582 JMS-RLP, United States v. Kealoha, et al.

Vice Chair Marks moved and Commissioner Amano seconded that the Ethics Commission Should Exercise Its Discretion to Consider Cases on Hold Pending Resolution of CR No. 17-00582 JMS-RLP, United States v. Kealoha, et al. The motion passed unanimously.

Vice Chair Marks moved and Commissioner Amano seconded to enter Executive Session. The motion passed unanimously.

- B. For Discussion and Action: Whether the Ethics Commission Should Exercise Its Discretion to Consider Hiring for the Full Time Position of Assistant Executive Director and Legal Counsel.

Vice Chair Marks moved and Commissioner Amano seconded that the Ethics Commission Should Exercise Its Discretion to Consider Hiring for the Full Time Position of Assistant Executive Director and Legal Counsel. The motion passed unanimously.

Vice Chair Marks moved and Commissioner Amano seconded to enter Executive Session. The motion passed unanimously.

IV. Executive Session (The following agenda items will be reviewed in executive session pursuant to Section 92-5(a)(2), Hawaii Revised Statutes (HRS), to consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; or Section 92-5(a)(4), HRS, to consult with the Commission's attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities.)

- A. For Decision: Cases on Hold Pending Resolution of CR No. 17-00582 JMS-RLP, United States v. Kealoha, et al.

- B. For Decision: Hiring for the Full Time Position of Assistant Executive Director and Legal Counsel.

Commissioner Kanda moved and Vice Chair Marks seconded to exit executive session and to enter open session. The motion passed unanimously.

As to Item IV.A., Chair Monk reported the following after returning to open session: The Ethics Commission's goal is to achieve justice. After a careful review of the cases on hold pending resolution of U.S. v. Kealoha, the Commission has determined that further investigation of these matters would neither achieve that goal nor be in the public's interest. The Commission's records were made available to the federal authorities responsible for prosecuting the Kealohas. Given their convictions, the Commission's resources are better spent investigating other ethics offenses and addressing the existing case backlog.

As to Item IV.B., after returning to open session, Vice Chair Marks moved and Commissioner Suemori seconded to delegate to the EDLC the authority to hire all vacant positions. The motion passed unanimously.

V. Strategic Planning

- A. Permitted Interaction Group (Chair Monk, Vice-Chair Marks, Commissioner Suemori) – Proposed Gift Legislation – Update

Chair Monk stated that the Commission established a permitted interaction group to discuss changes and updates to the City and County. He mentioned that there is no update because he, Commissioner Suemori, and Vice Chair Marks have not met since the last commission meeting. He added that they have discussed harmonizing the city's rules with the state's rules.

VI. Adjournment

- A. Next Meeting: April 14, 2021

At 3:45 p.m. Vice Chair Marks moved and Commissioner Amano seconded to adjourn the meeting. The motion passed unanimously.

Agenda Item II.B.1.c.

Page 2

[Staff Work Reports
Summary]

ETHICS COMMISSION
STAFF WORK REPORTS SUMMARY

April 14, 2021

SENIOR CLERK (LIM)

- Finalizing CARES Act Funds procurements, reporting
- Lobbyists Filing – assisting with and reviewing filings, uploading to website
- Financial Disclosures – assisting filers, reviewing Clerk's office and board and commission member filings, outreach for compliance, compiling statistics
- Space planning for current and future office layout, furniture procurement, office set-up for new staff
- Updating and organizing website
- Purchasing, inventory and equipment disposal

SENIOR CLERK (KATO)

- Updating and uploading to website, docushare, social media
- Completing advisory opinion compendium
- Assisting investigations
- Document scanning
- Assisting meeting administration and document preparation, drafting minutes

LEGAL CLERK

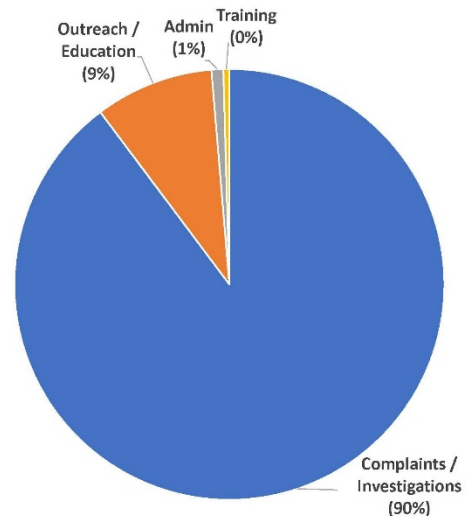
- Managing front office, phones, case/contact intake
- Financial Disclosures – reviewing, processing Eforms
- Tracking biennial ethics training
- Assisting investigation filings – drafting correspondence, memos, emails, other
- Office administration – EC meeting preparations, managing EC schedule, UIPA log, pCard administration
- Updating and posting on website

PRIVATE SECRETARY

- Joined ETH February 16, 2021
- Set up desk, PC, and work systems
- Reviewed / learned Ethics Commission jurisdiction, work, investigation process, procedures
- Cross trained to back up front office, phones, case/contact intake, office administration, EC meeting preparations
- Cross trained to back up AS and admin functions
- Prepped and sent Notice of Violation, Notice of Hearing certified mail for:
 - Delinquent Lobbyist Annual Reports
 - Delinquent Financial Disclosures – city employees, board and commission members
 - Delinquent Ethics Training – board and commission members
- Drafted correspondence, memos, emails, other
- Reviewed EC minutes for EDLC final
- Reviewed EDLC report for EDLC

INVESTIGATOR (LEONG)

- Complaints and investigations
- Outreach and education
- Administrative duties



INVESTIGATOR (YAMASHIRO) [Note: No pie chart until COR responsibilities done]

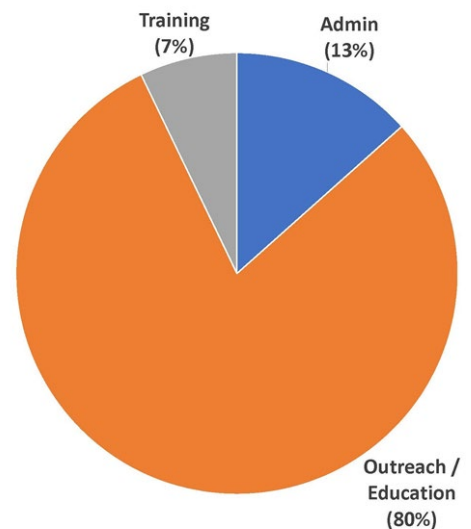
- Splitting time between COR, ETH
- Review - learn Ethics Commission jurisdiction, work, investigation process, procedures
- Investigating
- Space planning for current and future office layout, furniture procurement office set-up for new staff

ADMINISTRATIVE SPECIALIST [Note: No pie chart until COR responsibilities done]

- Splitting time between COR, ETH
- Timekeeping; eForm processing and review
- Assisting with office furniture relocation
- Review – learn lobbyist filing, financial disclosures, budgeting, and procurement processing

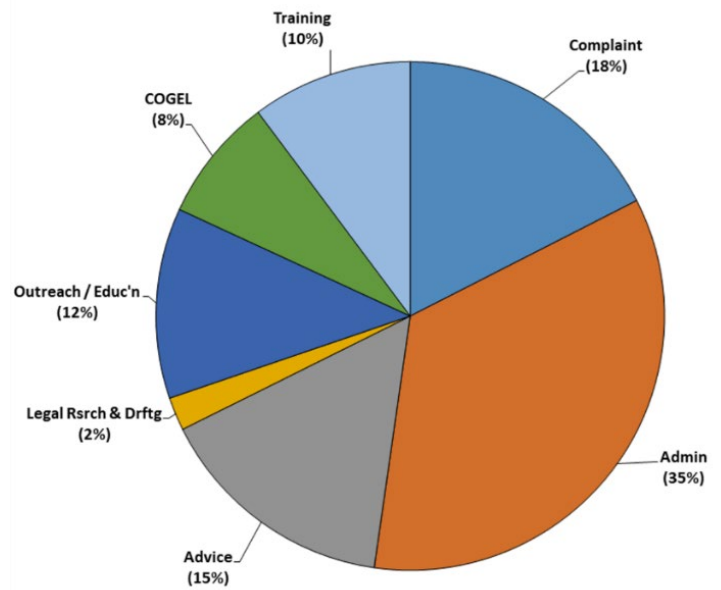
TRAINING SPECIALIST

- Collaboration with CSD production team to develop ethics training presentations
- Ethics branding, including logo, slogan, brochures, etc. in conjunction with CSD production team and print shop
- Exploration & implementation of various training methods, including pattern interruption, microlearning & accessibility
- Communicating with DHR Training regarding updates to ethics presentation to ensure synchronization of presentation during NEO



ASSOCIATE LEGAL COUNSEL

- Investigating, prosecuting, managing complaints
- Conducting legal research and drafting
- Providing legal advice
- Assisting with new staff interviews
- Training new staff
- Transitioning work to new staff
- Supervising, directing volunteers



Agenda Item II.B.4.b.i.
Page 2

[PAT Ethics Brochure –
Draft]

PUBLIC TRUST

Ethical Reminders
for Department of the
Prosecuting Attorney
Employees

Frequently Asked
Questions (FAQ)

Financial Disclosure Filing Dates for
Prosecuting Attorney and
Deputy Prosecuting Attorneys:

INITIAL

within 20 working days of taking
the oath of office

ANNUAL

on or before January 31st of each year

LEAVING OFFICE

10 working days before leaving office

Still have questions?

Contact the Ethics Commission
for more information:

p: 768-9242

w: honolulu.gov/ethics

e: ethics@honolulu.gov

This information is a guide and not legal advice.
Paid for by the taxpayers of the City and County of Honolulu



City and County of Honolulu

The City's Standards of Conduct require that all city employees demonstrate the highest standards of ethical conduct so the public will have trust and confidence in the integrity of City government. You hold your position for the benefit of the public and the public interest is your primary concern. Faithfully discharge your official duties regardless of your personal interest. Contact the Ethics Commission for more information, we are your ethics resource.

Q1: What is a conflict of interest?

A: A conflict of interest occurs when your personal interests—family, friendships, professional, financial, or social factors—appears to compromise your judgment, decisions, or actions. A conflict of interest could appear to unfairly influence your official city decisions.

Q2: What if I have a conflict of interest, but I think that it would not unfairly influence me and my decisions?

A: Your subjective belief is irrelevant. The Commission applies an objective test—what would a reasonable person believe?

Q3: Does accepting a gift create a conflict of interest?

A: Yes. All law enforcement, including deputy prosecuting attorneys, may not solicit or accept gifts from anyone against whom they may have to enforce the laws. Do not accept holiday and birthday gifts from opposing counsel, victims, vendors, and court personnel.

Q4: Who should I consider in my conflict of interest check?

A: Anyone who has anything to do with the case you are prosecuting, including investigators, law enforcement officers from state and federal agencies, defendants, victims, witnesses, opposing counsel, and judges.

Q5: What exactly is a “personal relationship” for enforcement purposes?

A: The Ethics Commission has described a “personal relationship” as one sufficient to cause a conflict of interest, such as a frequent social companion or close friend, whether sexual or platonic.

Q6: What should I do if I have a conflict of interest?

A: Disclose the conflict of interest to your supervisor. Complete and file with the City Clerk a public Disclosure of Conflict of Interest form. Your supervisor should assign the case to another deputy.

¹Exception: During the COVID-19 pandemic, first responders (police, fire, ambulance) are allowed to accept “Tokens of Aloha,” such as snacks, beverages, Personal Protection Equipment, and other items valued at no more than \$20. See Advisory Opinion No. 2020-1.

Agenda Item II.B.6.

Page 2

[Sunshine Law Refresher
Training]

The Sunshine Law



Hawaii's Open Meetings Law
Part I of Chapter 92, HRS

What's the purpose?

- Protect public's right to know
- Open governmental process to public scrutiny and public participation



“[I]t is the policy of this State that the formation and conduct of public policy -- the discussions, deliberations, decisions and actions of government agencies -- shall be conducted as openly as possible.”

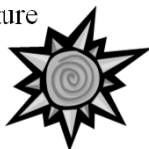
Sunshine Law requires:

- Discussions, deliberations and decisions must be conducted at a meeting
- Every meeting must be open unless executive meeting is allowed
- Boards must accept testimony
- Boards must provide notice
- Boards must keep minutes



“Board Business”

- Matters over which the board has supervision, control, jurisdiction or advisory power that are before the board or reasonably anticipated to come before the board in the foreseeable future



“Board Business”

- Within the board's authority
- On current or future agenda

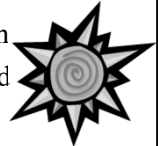


- No caucuses
- No polling
- No telephone discussions
- No e-mails
- No memos



Permitted Interactions

- 2 members
- Investigate
- Present, discuss or negotiate
- Selection of officers
- Testimony when no quorum
- Other meeting or presentation
- Governor or department head



Permitted Interactions - 2 Members

- Communicate privately
- Cannot commit to vote
- Cannot seek commitment
- Cannot use serially



Permitted Interactions - Investigations

- Less than a quorum
- Scope of investigation defined at a meeting
- Findings and recommendations presented at a 2nd meeting
- Deliberation and decision-making at a 3rd meeting



Examples of “Investigation” Permitted Interactions

- Confidential interviews
- Site inspections and product demonstrations
- Receipt and consideration of confidential information



Permitted Interactions - No Quorum

- Noticed meeting canceled b/c no quorum or lost audio connection
- Limited to testimony/presentations on canceled agenda
- Keep a record
- Report at next meeting

Permitted Interactions – Other Meeting or Presentation

- Less than a quorum
- Informational meeting/presentation
- Event not specifically arranged for board
- Discussions only as part of event
- No commitment to vote made/sought
- Report at next board meeting

Executive Meetings



- Closed to public
- 2/3 vote of board members present
- Announce reasons for closed meeting
- Vote recorded and entered into minutes

Executive Meeting Purposes

- professional or vocational license applicants
- personnel matters
- authority of labor negotiator or person designated to negotiate purchase of land
- legal matters with board's attorney
- criminal misconduct
- sensitive matters relating to public safety
- private donations and
- matters confidential by law or court order



Limited Meetings

- Dangerous location OR public attendance impracticable
- OIP concurrence
- 2/3 Vote
- Show video next time
- No decisions made



Multi-site Meetings



- Audio interaction at all locations
- Notice lists all locations where non-disabled board members will be
- Public can attend at any listed location
- Meeting ends if audio interaction not maintained at all locations

Testimony

- All interested persons may submit written testimony on any agenda item.
- All interested persons may present oral testimony on any agenda item.





Notice Requirements

- written notice
- date, time and place
- includes agenda
- for executive meeting, must state purpose and cite statutory basis



- Posted on the state or county online calendar, at the board's office, with the LG or clerk (keep proof of filing), & posted at meeting site when feasible
- 6 calendar days prior to meeting
- Copy mailed or emailed to anyone so requesting

Meeting Agenda

- All items that the board intends to consider
- To inform the public of the matters the board intends to consider so that the public can decide whether to participate in the meeting



Amending the Agenda

- Only with 2/3 vote of all members
- Cannot add item if:
 - of reasonably major importance, and
 - will affect a significant number of people



Board Packet

- Documents compiled by board & distributed to board members before meeting
 - Only what's public under UIPA
 - Nothing the board can't reasonably redact in time

Board Packet

- Available in board's office
- Notify mailing list that it's there
- Access upon request
- Accommodate electronic requests quickly
- Not required to mail / email to all

Board Packet

- Practical tips:
 - Think about what's public as you put packet together
 - Prepare public version of each thing as it comes in
 - Have pdf of public packet ready to go

Emergency Meetings

- imminent peril to public health, safety and welfare, or
- unanticipated event
- requires meeting in less than 6 calendar days



Minutes

- Written or recorded format
- Posted online within 40 calendar days
- Executive meeting minutes may be withheld for so long as publication would defeat lawful purpose of meeting



Minutes

- Recorded minutes must include:
 - Recording of full meeting
 - Date, time and place
 - Members present/absent
 - Record, by member, of votes and motions
 - Time stamp or other reference for when board began each agenda item and when motions and votes happened

Minutes

- Written minutes must include:
 - Date, time and place
 - Members present/absent
 - Substance of all matters proposed, discussed or decided
 - True reflection of matters discussed and views of participants
 - Record, by member, of votes
 - Other information that a member requests be included



Need Help?

- AOD -- 586-1400



- E-mail: oiip@hawaii.gov
- OIP Website: www.hawaii.gov/oiip

Agenda Item II.B.7.

Page 2

[EDLC Evaluation Form]

EC EDLC 2019 Performance - Commission Member Input

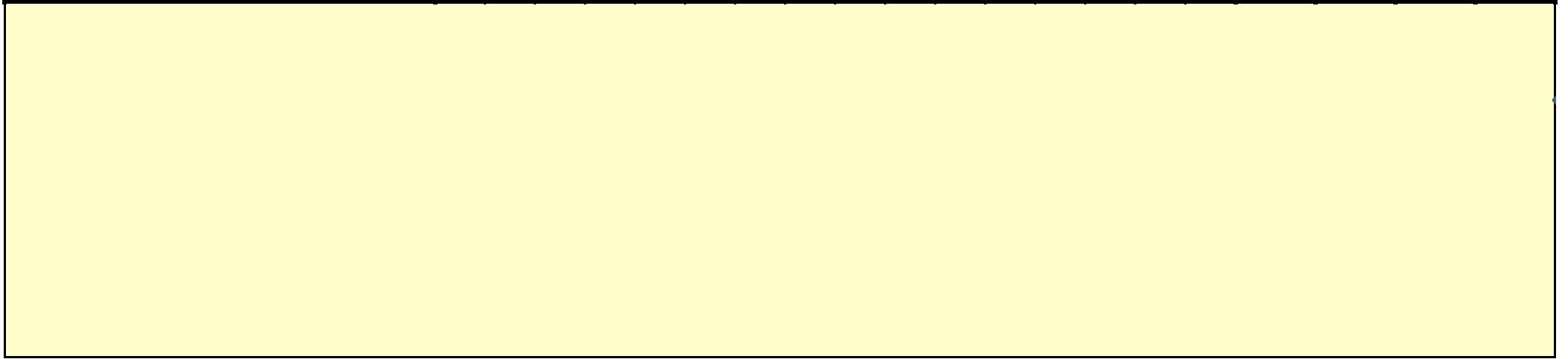
(Numerical Input)	Excellent	4																				
	Above Avg	3																				
	Satisfactory	2																				
	Needs Improvement	1																				
	Chair	Marks	Vice-Chair	Lilly	Adler	Amano	Kanda	Monk	Suemori										2021 AVG	2020 AVG	2019 AVG	2018 AVG
Provide Vision & Leadership																						
Work with EC Members																						
Work Quality and Quantity in Major Duties																						
Trusted Voice/Face of EC																						
Supervising Subordinates																						
Effective Planning, Procedures and Priorities																						
AVG	###	###	###	###	###	###	###	###	###	###	###	###	###	###	###	###	###	###				

Comments (Please Input Comments)

Provide Vision & Leadership - Develop effective strategic plans, programs and policies to support EC’s mission and objectives, including training of City and County employees, organization of compaints and office responsibilities and workflows. Motivate and inspire staff to maximize their own development potential and mission support. Deliver strong operating and staff performance. Innovative and creative, gains trust and confidence of those she interacts with. Maintains a high level of personal and professional integrity. Role model for city employees.

Work with Commission Members - Advise and assist EC members. Clarity and timeliness of memos, reports and minutes provided to EC. Records and reference materials provided regarding complaints and status of work and workflow. Resolutions and alternatives provided to EC. Shows willingness to improve job knowledge. Accepts feedback in a cooperative and honest fashion. Gains trust and confidence. Responds promptly to requests for information.

EC EDLC 2019 Performance - Commission Member Input

A large, empty yellow rectangular box with a black border, intended for Commission Member Input.

EC EDLC 2019 Performance - Commission Member Input

Work Quality and Quantity in Major Duties - Knowledge of ethics laws and administrative and legislative processes. Responds to request for ethics advice. Conducts investigations of alleged misconduct, probable cause and contested hearings. Presentations at training meetings. Manages legal research. Negotiations and settlements. Develops legislation, rules and guidelines. Provides education and training. Displays positive attitude. Shows good work habits. Willing to improve job knowledge.

Trusted Face/Voice of EC - Builds strong relationships with the Council, Administration, City agencies, community and City employees and officers through: education programs; news media interaction; public access to public reports and filings by officials, candidates, lobbyists; working with other Federal, State and City agencies, including law enforcement; gains trust and confidence of others. Promotes positive relationship with the public.

EC EDLC 2019 Performance - Commission Member Input

Supervising Subordinates - Creates team-based, cooperative work environment that allows for professional growth and advancement. Clearly communicates plans, policies, initiatives and directives to staff. Conducts timely staff appraisals. Effective delegation of written staff responsibilities and evaluation. Promotes high degree of morale. Leads staff to excellence. Provides organization chart and oversight of workload flow and caseflow. Provides formal functionality and responsibility within budget restraints. Appropriately hires and fires.

EC EDLC 2019 Performance - Commission Member Input

Effective Planning, Procedures and Priorities - Develops and maintains an effective organization supported by policies and procedures, sufficient resources and funding, and a strong team and case and project priorities. Demonstrates managerial skills, goals and objectives, and training and development, which assume timely caseload and resolution. Effectively reviews and oversees financial and budgeting responsibilities.

General - Overall Performance & Improvement Areas

Agenda Item V.A.1.

Page 4

[Department of Planning
and Permitting Star
Advertiser Article]

HAWAII NEWS

Some say bribes smoothed approvals at Honolulu Department of Planning and Permitting

By [Ashley Mizuo](#) • Today • Updated 8:15 am

It can start with a simple box of malasadas for the people at the front desk of the city Department of Planning and Permitting.

From there, according to several people who have had dealings with the agency, getting official approvals for completing a construction project can entail thousands of dollars in cash stuffed into plain envelopes or even sponsoring DPP employees in a golf tournament.

In the wake of [federal charges brought against five city employees](#) March 30, some builders and contractors say bribes are just part of doing business on Oahu.

The U.S. Attorney's Office charged current and former building plan examiners, a data access and imaging employee, and a building inspector with soliciting thousands of dollars to move building permits through the city approval process. An architect also was charged.

The federal prosecution gives weight to decades-long rumors about corruption in a city department that holds the key to everything from small renovations at mom-and-pop businesses to major development projects.

One Oahu contractor told the Honolulu Star-Advertiser that the culture of bribery in DPP is "systemic." He did not want to be identified for fear of retaliation by the department and concern about exposure to possible criminal charges.

"It starts really small: Somebody takes in the box of malasadas and you'll hear, 'Oh these are for you guys.' ... It helps. It's expected," he said.

Colin Moore, director of the University of Hawaii Public Policy Center, explained that gifts of any type to civil servants, even small ones — like a box of malasadas — can make a big impact.

"What's the problem with buying someone lunch or giving them a little gift? The problem is ... that it leads to other things," Moore said. "The problem is that when you give someone a gift, you will often expect some favor in return. And that's why, really, it can never be allowed because it creates a culture of corruption."

According to the Oahu contractor, the gift of a box of malasadas quickly turned into him sponsoring nine DPP employees to play in a golf tournament at \$300 each, for a total of \$2,700.

"It's always indirectly. It's the people that draft for me, or they're pushing my plans through," he said.

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Email:



Enter your email address

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"They say, 'Hey, are you interested in paying? This will be helpful when we're trying to get our permits through and our plans through.'"

These kinds of bribes are harder to track because the payments are made directly to golf tournament organizers with the names of the DPP employees who are going to play.

"I'll be honest with you, I absolutely could have said no," the contractor said. "But I know somebody else is going to do it."

He said his office has had permits held up for two years at the department.

"So there comes a point where you just go, 'OK, if this is what's going to help, then I guess pay to play, right?' It just becomes that mentality ... like, OK, in two years, would I pay \$2,000 to help this permit go through? Absolutely, no doubt," he said.

"Then you start making pragmatic decisions on it's a cost of getting a permit now, the cost of helping a customer get their project started."

PROBLEMS PERSISTED

Former City Councilwoman Kym Pine said she first became aware of corruption in DPP when she was chairing the Council Zoning and Planning Committee in 2018.

She said she began meeting with contractors to discuss why it was taking so long for building permits to be approved. After a few conversations, she said, several contractors began telling her about the corruption they had observed in the department, especially when it came to employees accepting bribes.

"I said this is unacceptable. We cannot allow this to happen. We have to fight this and people need to go to jail," Pine said.

"I said, 'You guys, if you want to end this process, it is time for everyone as a construction community to talk about this publicly.'"

Despite efforts to shed light on the situation, the problems at DPP persisted.

A home renovator told the Star-Advertiser he was working on a project in late 2020 in East Honolulu when he was suddenly notified by DPP that the work was no longer compliant and an additional permit would be needed for construction to continue. He said he reached out to a friend who said he knew someone in DPP who could make the situation "go away."

"They're like, 'It's going to cost you ... it's super-normal. This happens all the time,'" said the home renovator, who also did not want to be named out of fear of retaliation or possible criminal charges. He said he put \$2,000 cash in an envelope to have his friend deliver it to the DPP employee, and the next day, he was allowed to resume work on the house.

Those who refuse to pay can end up waiting for months, sometimes even over a year, for a permit.

A Kaneohe homeowner, who didn't want to be identified, told the Star-Advertiser he was trying to get a permit to build an accessory dwelling unit on his property. The permit router he hired to shepherd the permit through the approval process submitted the application in July 2019.

"A couple of days later, he called me. He said one of the (DPP) workers said if you want to get my permit done in about three months, I need to put \$2,900 cash in a blank envelope and give it to him and he'll give it to the person," the homeowner said.

"I said, 'I refuse to give the money, ... and well, my permit might go on the bottom.'"

More than a year and a half later, he is still waiting for his permit.

A FEW BAD APPLES

Other contractors say they have never needed to bribe DPP employees to get work completed.

Max Suiter, a principal at Canaan Builders, said he has never encountered any instances of bribery in his 41 years in the construction industry.

"Would I ever pay a dime to get a permit? Absolutely not," he said.

"There's a lot of people in this town that pay to play to get work done and things like that, that I've heard about. But I mean, we've been sent envelopes of political fundraiser tickets in the mail. We just send them right back."

Suiter pointed to a main issue that many people in the building industry echoed: DPP employees are overwhelmed.

"Those poor people down there. And because construction has been crazy for the last couple of years, those guys, they are buried trying to get everything approved. And I feel bad for them," he said.

"There's a bunch of really great people that work down there, and I'm friends with a lot of them. They're just doing their job. I'm sickened that there's bad apples in there, and that there's been that pay-to-play kind of thing, but I do not feel like it's the norm because it's certainly never, never happened to us."

Pine explained that DPP workers are underpaid and some lack proper training.

"You have terribly underpaid workers that can leave in a moment to the private sector for the same type of job and get paid a whole lot more. So we're constantly having to train very young people to be the plan checkers," she said.

"You need twice the staffing that they have. They just don't have enough staffing to do what they have to do."

A 2020 audit by acting City Auditor Troy Shimasaki found that a plans reviewer made about \$46,500 a year, which is just above 50% of the annual median household income on Oahu.

"I think most people who live in Hawaii can say, 'Yeah, I'm not quite making it living here, but this is where I was born and raised and I'm going to do the best I can,'" Pine said.

"Major financial stress makes it the prime place to cause these types of problems."

STAFFING SHORTAGES

Staffing issues were addressed in that same 2020 audit of DPP.

"Permit centers are hampered by shortages of staff due to turnover, inability and delays in hiring new staff, and a significant number of staff retirements. This has resulted in staff morale problems and high work demands upon existing staff," the audit said.

It recommended creating a plan to better train, quickly hire and increase pay for DPP workers.

Pine also pointed out that working conditions for employees were subpar.

"Their working conditions are just terrible," she said. "They don't have enough space. There's these papers all over the place that they're required to keep, even if people don't pick them up for years."

Pine suggested the department hire people on a contract basis to expedite staffing increases at DPP, and then start negotiations with the public workers' union to look into raising pay levels.

Mayor Rick Blangiardi said he condemns the actions of the five current and former DPP employees who are federally charged with accepting bribes.

"There is absolutely no place for this behavior in City operations," he said in an email.

Charges were filed against Wayne Inouye, 64, of Honolulu, a former building plans examiner at DPP; Jocelyn Godoy, 58, of Pearl City, an employee of the Data Access and Imaging Branch; Jason Dadez, 42, of Honolulu, a building inspector; Jennie Javonillo, 71, of Waipahu, a former building plans examiner; and Kanani Padeken, 36, of Kaaawa, a building plans examiner. Inouye was also charged with making a false statement to the government.

On Wednesday, Padeken pleaded guilty to honest services wire fraud. Also pleading guilty was architect William Wong, who was also charged with taking part in and devising the pay-to-play scheme and helping Padeken conceal information.

“The type of culture that allowed criminal behavior is completely unacceptable and we owe it to the public to ensure it will not happen again,” Blangiardi said.

DPP Director Dean Uchida said in an email, “This administration does not and will not condone bribery in any form. The overall goal of this administration is to serve the public in a trustworthy and professional manner.

“We plan to install a new electronic permitting process to provide for more efficiency and transparency in the building permit application process and will include more reliance on code compliance during the inspections.”

Uchida urged homeowners and permit applicants to immediately report any employee who asks for a bribe by calling his office at 768-8000.



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